

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, et
al.,

Debtors

HON. WANDA VÁZQUEZ GARCED (in her
official capacity), and THE PUERTO RICO
FISCAL AGENCY AND FINANCIAL
ADVISORY AUTHORITY,

Plaintiffs,

v.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Defendant.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Adv. Pro. No. 20-00080-LTS

**NOTICE OF APPEARANCE AND SECOND MOTION REQUESTING
LEAVE TO FILE AN AMICUS BRIEF AND FOR AMICUS STATUS**

TO THE HONORABLE COURT:

Comes now, Cooperativa de Farmacias Puertorriqueñas (COOPHARMA), through its undersigned attorneys, and very respectfully prays and requests as follows:

1. *Coopharma* is a non-profit entity and commercial, consumer cooperative organized in 2002 under the then Commonwealth's General Cooperative Associations Act. Its mission is to afford mutual aid and to its approximately 600 community based pharmacies throughout the Island of Puerto Rico.

2. Coopharma has an interest in *Adversary Complaint for Declaratory Relief Related to Act 82* (Doc# 13437) filed by the Governor of Puerto Rico and the Puerto Rico Fiscal Agency and Financial Advisory Authority on June 12, 2020.

3. There is no Federal rule or statute controlling the filing of an *amicus curie* brief at the district court level. Rather, the determination whether to allow participation as *amicus* depends on the sole discretion of the court.

4. Allowing the filing of an *amicus brief* in the district court depends on whether the *amicus* has a “*special interest that justifies [its] having a say.*” Strasser v. Doorley, 432 F.2d 567, 569 (1st Cir. 1970).

5. *Coopharma* will demonstrate that it has a special interest in the approval of the underlying Act 82. Moreover, *Coopharma* will discuss a compelling public interest that will assist the Court in adequately weighing the critical issues in the adversary proceeding. Additionally, *Coopharma’s Amicus Brief* will assist in the discussion of the law concerning the application of PROMESA’s 48 U.S.C. § 2144 to the facts at hand. *Coopharma’s amicus brief* will supply an ingredient about the impact of Act 82 on real people. That information would be valuable to the Honorable Court in order to weigh the Plaintiffs’ request for declaratory relief.

6. *Coopharma* also grounds its request to file an *amicus brief* here on *Civil Local Rule 7, District Court Civil Local Rules and Federal Rules of Bankruptcy Procedure* 7012 and 8017.

7. An earlier *Motion Requesting Leave to File an Amicus Brief* (Docket No. 13717) was filed by *Coopharma* but denied by the Honorable Court (Docket No. 13739) on the grounds that there was “no pending motion challenging that Complaint [Adversary Proceeding No. 20-0080].” The Honorable Court thus ruled that “[t]he Motion is denied without prejudice to a future application in connection with future litigation in the

Adversary Proceeding.” It is evident that the underlying motion for summary judgment filed by the Oversight Board (Dockets 16 and 17) is a challenge to the Complaint at Adversary Proceeding No. 20-0080.

8. Accordingly, Coopharma, very respectfully requests that, based on this Honorable Court’s previous ruling denying the initial motion to file *Amicus Brief*, without prejudice, and based on the argument above, allow and grant leave for the Amicus Brief to proceed.

WHEREFORE, it is respectfully requested that the Honorable Court grants leave for the undersigned appearance in representation of *Cooperativa de Farmacias Puertorriqueñas* (COOPHARMA) for the purpose of filing the attached “tendered document” as an *Amicus Brief*. Furthermore, it is respectfully requested that the Honorable Court grants *amicus* status to *Coopharma* and that it grants leave to file the tendered *Amicus Curie* brief as a separate docket entry in the instant matter.

CERTIFICATE OF SERVICE

We hereby certify that on this date we electronically filed the foregoing *Notice of Appearance and Second Motion Requesting Leave to File an Amicus Brief and For Amicus Status*, with the Clerk of the Court, using the CM/ECF System, which will send notification of such filing to all appearing parties and counsels using the Court's electronic system.

In San Juan, Puerto Rico, this 24th day of November 2020.

s/ Angel A. Valencia-Aponte
Angel A. Valencia-Aponte
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s/Carlos M. Rivera-Vicente
Carlos M. Rivera-Vicente
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